

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

Case No. 1:07-cv-10632-BSJ-DCF

**NOTICE OF MOTION
TO ADMIT COUNSEL
KEVIN O. LESKE
PRO HAC VICE**

FILED COURT
U.S. DISTRICT COURT
2008 FEB -1 PM 1:16
S.D. OF N.Y.

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G.

Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of Kevin O. Leske, as applicant for admission *pro hac vice*, and upon the certification of good standing of the Supreme Court of Vermont, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said Kevin O. Leske, Assistant Attorney General of the State of Vermont and a member in good standing of the Bar of the State of Vermont, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

640263 #25 80-1-2

Dated: New York, New York
February 1, 2008

A + G. R L

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	
	:	Case No. 1:07-cv-10632-BSJ-DCF
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT KEVIN O. LESKE AS COUNSEL *PRO HAC VICE***

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.
2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.
3. I make this declaration in support of the motion to admit Kevin O. Leske, an attorney admitted to practice in the State of Vermont, as counsel *pro hac vice* for plaintiff State of Vermont in this action.
4. As set forth in the annexed declaration of Kevin O. Leske and the exhibit thereto:
 - (i) Kevin O. Leske is a member in good standing of the Bar of the State of Vermont.

(ii) There are no pending disciplinary proceedings against Kevin O. Leske in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.

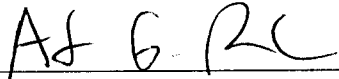
7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that Kevin O. Leske be admitted as counsel *pro hac vice* for plaintiff State of Vermont in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
February 1, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
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-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF KEVIN O. LESKE
IN SUPPORT OF MOTION TO BE ADMITTED *PRO HAC VICE***

Kevin O. Leske, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the State of Vermont since February 15, 2000.
2. I am currently employed as a Assistant Attorney General in the State of Vermont Office of the Attorney General, where I have been continuously employed since June 2002.
3. Attached hereto as Exhibit A is a Certificate of Good Standing issued by the Supreme Court of Vermont, dated January 23, 2008, reflecting that I am currently a member in good standing of the Bar of the State of Vermont.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of Vermont in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

1/27/08


Kevin O. Leske




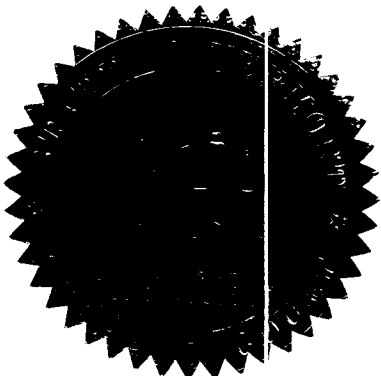
CERTIFICATE OF ADMISSION AND GOOD STANDING

This is to **CERTIFY** that **Kevin O. Leske, #3578** was upon examination and motion of the Board of Bar Examiners, duly admitted by the Vermont Supreme Court and sworn as an Attorney and Counselor of Law, and as such was enrolled on the 15th day of February, 2000.

This is to **FURTHER CERTIFY** that the said **Kevin O. Leske, Esq.** is on active status and currently practices law in the courts of the State of Vermont.

Dated at Montpelier, County of Washington, State of Vermont, this 23rd day of January, 2008.


Edward McSweeney
Deputy Clerk



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

Case No. 1:07-cv-10632-BSJ-DCF

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

**ORDER GRANTING MOTION TO
ADMIT KEVIN O. LESKE AS COUNSEL *PRO HAC VICE***

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit Kevin O. Leske, an attorney admitted to practice in the State of Vermont, as counsel *pro hac vice* for plaintiff State of Vermont in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that Kevin O. Leske is hereby admitted as counsel *pro hac vice* for plaintiff State of Vermont in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this day of , 2008.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.
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Case No. 1:07-cv-10632-BSJ-DCF

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the Motion to Admit Counsel Kevin O. Leske *Pro Hac Vice* in this action, along with the two accompanying declarations and the proposed order granting the motion, by United States First Class Mail this 1st day of February, 2008 on the following attorneys:

Counsel for Defendants

MICHAEL B. MUKASEY
ATTORNEY GENERAL OF THE UNITED STATES
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

MICHAEL J. GARCIA
UNITED STATES ATTORNEY
Office of the U.S. Attorney for the Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Counsel for Plaintiffs

TERRY GODDARD,
ATTORNEY GENERAL OF THE STATE OF ARIZONA
James T. Skardon
Assistant Attorney General
Arizona Office of the Attorney General
1275 West Washington Street
Phoenix, Arizona 85007

EDMUND G. BROWN JR.,
ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
James R. Potter
Deputy Attorney General
California Office of the Attorney General
300 South Spring Street
Los Angeles, California 90013-1230

RICHARD BLUMENTHAL
ATTORNEY GENERAL OF THE STATE
OF CONNECTICUT
Mary K. Lenehan
Assistant Attorneys General
Connecticut Office of the Attorney General
55 Elm Street, P.O. Box 120
Hartford, Connecticut 06141-0120

LISA MADIGAN
ATTORNEY GENERAL OF THE STATE
OF ILLINOIS
Gerald T. Karr
Senior Assistant Attorney General
Illinois Attorney General's Office
69 West Washington Street, Suite 1800
Chicago, Illinois 60602

G. STEVEN ROWE
ATTORNEY GENERAL OF THE STATE
OF MAINE
Janet M. McClintock
Assistant Attorney General
Maine Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006

MARTHA COAKLEY
ATTORNEY GENERAL OF THE
COMMONWEALTH OF
MASSACHUSETTS
I. Andrew Goldberg
Assistant Attorney General
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, Massachusetts 02108

LORI SWANSON
ATTORNEY GENERAL OF THE STATE
OF MINNESOTA
Carla Heyl
Assistant Attorney General
Minnesota Office of the Attorney General
900 Bremer Tower
445 Minnesota Street
St. Paul, Minnesota 55101

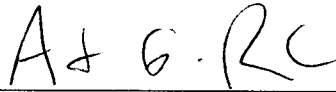
KELLY A. AYOTTE
ATTORNEY GENERAL OF THE STATE
OF NEW HAMPSHIRE
Maureen D. Smith
Senior Assistant Attorney General
New Hampshire Office of the Attorney
General
33 Capitol Street
Concord, New Hampshire 03301-6397

ANNE MILGRAM
ATTORNEY GENERAL OF THE STATE
OF NEW JERSEY
Michael Schuit
Deputy Attorney General
New Jersey Office of the Attorney General
Richard J. Hughes Justice Complex
25 Market Street, P.O. Box 093
Trenton, New Jersey 08625-0093

SUSAN SHINKMAN
CHIEF COUNSEL, COMMONWEALTH
OF PENNSYLVANIA, DEPARTMENT OF
ENVIRONMENTAL PROTECTION
Robert A. Reiley
Assistant Counsel
Pennsylvania Department of Environmental
Protection
400 Market Street
Harrisburg, Pennsylvania 17105

WILLIAM H. SORRELL
ATTORNEY GENERAL OF THE STATE
OF VERMONT

Kevin O. Leske
Assistant Attorney General
Vermont Office of Attorney General
109 State Street
Montpelier, Vermont 05609-1001

A handwritten signature in black ink, appearing to read "A. G. Frank", written over a horizontal line.

Andrew G. Frank